

Westlaw.

AK ST § 23.10.145

Page 1

AS 23.10.145

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ALASKA STATUTES

Title 23. Labor and Workers' Compensation.

Chapter 10. Employment Practices and Working Conditions.

Article 3. Alaska Wage and Hour Act.

Sec. 23.10.145 Definitions.

If not defined in this title or in regulations adopted under this title, terms used in AS 23.10.050 -- 23.10.150 shall be defined as they are defined in 29 U.S.C. 201 -- 219 (Fair Labor Standards Act of 1938), as amended, or the regulations adopted under those sections.

(§ 2(2) ch 171 SLA 1959; am § 4 ch 47 SLA 1983; am § 5 ch 90 SLA 2005)

<General Materials (GM) - References, Annotations, or Tables>

REFERENCES

Cross references. -- For the Fair Labor Standards Act of 1938, see 29 U.S.C. 201-219.

HISTORICAL NOTES

Effect of amendment. -- The 2005 amendment, effective November 7, 2005, inserted a federal section reference and made stylistic changes.

Editor's notes. -- Section 6(a), ch. 90, SLA 2005, directs that the 2005 amendments made to this section by that Act apply retrospectively to work performed before November 7, 2005, for purposes of any claim or proceeding based on AS 23.10.050 -- 23.10.150 that is filed on or after November 7, 2005. Section 6(b), ch. 90, SLA 2005, provides that the 2005 amendments made to this section by that Act do not apply to work performed before November 7, 2005, for purposes of any claim or proceeding based on AS 23.10.050 -- 23.10.150 that is filed before November 7, 2005. See sec. 6, ch. 90, SLA 2005, in the 2005 Temporary and Special Acts.

NOTES TO DECISIONS

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AK ST § 23.10.145

Page 2

AS 23.10.145

Applicability of federal regulatory definitions. -- This section directs the courts to apply federal regulatory definitions "where applicable," and such definitions are "applicable" only when the state director of the wage and hour division and the commissioner of labor have refrained from defining terms in the state regulations, pursuant to their discretionary authority under AS 23.10.085 and 23.10.095. *Dresser Indus., Inc. v. Alaska Dep't of Labor*, 633 P.2d 998 (Alaska 1981), cert. denied, 455 U.S. 1019, 102 S. Ct. 1716, 72 L. Ed. 2d 137 (1982).

Employee was not exempt from overtime pay where he spent almost 60 percent of his work time performing non-management tasks. *Fred Meyer of Alaska, Inc. v. Bailey*, 100 P.3d 881 (Alaska 2004).

A prisoner is not an "employee" of the state under the federal act, and therefore is not so by virtue of AS 23.10.065. *McGinnis v. Stevens*, 543 P.2d 1221 (Alaska 1975).

Stated in *Whitesides v. U-Haul Co. of Alaska*, 16 P.3d 729 (Alaska 2001).

A. S. 23.10.145, AK ST § 23.10.145

Current through all 2005 Legislation, Annotations current through Opinions
Decided as of June 24, 2005.

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